

United States Patent and Trademark Office

Examiner: Whittington, K.

Art Unit: 2862

Docket No. 3795

In re:

Applicant: HAASE, B.

Serial No.: 10/594,285

Filed: September 26, 2006

REPLY BRIEF

February 2, 2010

Hon. Commissioner of
Patents and Trademarks
Washington, D.C. 20231

Sirs:

In response to the Examiner's Answer dated December 9, 2009, the Appellant submits the following for his Reply Brief. The Appellant requests withdrawal of the rejections made and that the Application be placed in line for Allowance.

REMARKS/ARGUMENT

Contrary to the Examiner's position as set forth during prosecution and in the Answer, Harvey does not anticipate the device of the present invention, since again, Harvey fails to disclose at any point that the disclosed device is a device for locating metallic objects.

Moreover, the device that is described and claimed in Harvey *is not suitable for locating ANY objects*, metal or otherwise. In this connection, the Harvey device lacks any corresponding evaluation routines and signals, either optical or acoustic, which an operator could utilize to determine whether an object has been located.

In his Answer, the Examiner again disagrees with the Appellant's point that in Harvey, the "number of turns of an individual coil CANNOT be varied". The Examiner argues that claim 1 does not define this feature. Again, the Appellant maintains that the Examiner's position on this point as stated in the Answer and throughout prosecution is without merit.

The present application, more specifically, claim 1, defines a system with a receive turn system, which in turn comprises at least one receive coil, "***wherein the number of turns of the at least one receive coil (112, 114; 212, 214) is variable by connecting or disconnecting electrical conductor modules***". Clearly, this recitation does indicate that the number of turns of the receive coils that comprise the receive turn system are variable.

Claim 1 therefore does indeed define that the number of turns of the at least one receive coil can be varied, contrary to the Examiner's assertions. In contrast, Harvey discloses only individual coils 32a, 32b, or 32c (see in particular Figs. 3 or 4) are connected or disconnected. The number of turns of an individual coil CANNOT be varied.

The Appellant further does not understand the Examiner's analysis that the receiving coil system or the at least one receive coil has a total of three coils. In particular, the switching means of the present invention are not to be viewed as coils. Moreover, the Examiner has misinterpreted the single winding of Harvey as a coil. The Appellant respectfully submits that the Examiner's application of the Harvey reference constitutes impermissible hindsight.

With regard to the Kooy reference, this reference discloses a transformer or the switching functions for a transformer and again, does not disclose any device that is suitable or operative to detect objects.

Regarding the Nelson reference, again the Appellant disagrees with the Examiner's analysis. The Appellant also notes that Figs. 1, 2a, and 2b of the Nelson application represent the "state of the art", as described in Nelson in column 1, lines 54-65 in the "Background" portion of the Nelson reference.

Therefore, the Appellant is not clear how the combination of Fig. 2b (which shows the state of the art) and Fig. 7 of Nelson could be combined to show "that the electrical conductor modules are coupled with the transmit coil". This combination of features cannot be derived from Nelson's disclosure. Furthermore, Fig. 7 shows the coil 23 separated.

In view of the foregoing discussion, as well as the Appellant's arguments presented in his Brief, it is respectfully requested that the Honorable Board of Patent Appeals and Interferences overrule the final rejection of claims 1, 3, 4, 6-12, and 15-19 over the cited art, and hold that Appellant's claims be allowable over such art.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Michael J. Striker', with a long horizontal flourish extending to the right.

Michael J. Striker
Attorney for Applicant
Reg. No.: 27233
103 East Neck Road
Huntington, New York 11743
631-549-4700